

DOCKET NO. D-1985-075 CP-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

Town of Thompson

Sackett Lake Wastewater Treatment Plant

Town of Thompson, Sullivan County, New York

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by the Town of Thompson on December 23, 2011 (Application), for review of an existing wastewater treatment plant (WWTP) discharge. State Pollutant Discharge Elimination System (SPDES) Permit No. NY0030716 for this project was approved by the New York State Department of Environmental Conservation (NYSDEC) on April 1, 2012.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Sullivan County Planning Department has been notified of pending action. A public hearing on this project was held by the DRBC on July 11, 2012.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to approve the existing 0.5 million gallons per day (mgd) Sackett Lake WWTP and its related discharge.
2. **Location.** The existing WWTP will continue to discharge treated effluent to Sackett Creek, above the Mongaup Falls Reservoir, at River Mile 261.1 – 13.08 – 2.17 (Delaware River – Mongaup River – Sackett Creek) via Outfall No. 001. The discharge is located in the drainage area to the non-tidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters (SPW), in the Town of Thompson, Sullivan County, New York as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 36' 25.75"	74° 45' 10.75"

3. **Area Served.** The existing WWTP will continue to serve the Sackett Lake and Sackett Road areas within the Town of Thompson, Sullivan County, New York. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The docket holder operates the existing 0.5 mgd Sackett Lake WWTP.

b. **Facilities.** The existing WWTP consists of a bar screen, a primary settling tank, two (2) trickling filters, a secondary clarifier, a chlorine contact tank, and a post aeration tank.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The docket holder is required as part of the continued discharge to install a generator capable of providing emergency power (See DECISION Condition II.n.). (SPW)

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations. The docket holder is required as part of the continued discharge to install remote alarm systems (See DECISION Condition II.n.). (SPW)

The docket holder's existing wastewater treatment facility has not prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP within 12 months of approval of this docket (See DECISION Condition II.n.). (SPW)

The project facilities aren't located in the 100-year floodplain.

Wasted sludge will be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. **Water withdrawals.** The potable water supply in the project service area is supplied by individual on-lot wells and two separate public systems whose supply volume is less than the Commission's review threshold of 100,000 gallons per day as a 30-day average. These public systems have been informed that if they were to need a volume of water consistent with our review threshold an application would be required in the future prior to the withdrawal of such a quantity.

d. SPDES Permit / DRBC Docket. SPDES Permit No. NY0030716 was approved by the NYSDEC on April 1, 2012 and includes final effluent limitations for the project discharge of 0.5 mgd to surface waters classified by the NYSDEC as Class B (swimming, recreational, and fishing) waters. The following average monthly effluent limits are among those listed in the SPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in SPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.5 to 8.5 at all times	As required by SPDES Permit
Total Suspended Solids	10 mg/l	As required by SPDES Permit
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required by SPDES Permit
CBOD (5-Day at 20° C)	10 mg/l (85% minimum removal*)	As required by SPDES Permit
Fecal Coliform (5-15 to 10-15)	200 colonies per 100 ml as a geo. avg.	As required by SPDES Permit

* DRBC Requirement

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report *	Quarterly **
Ammonia Nitrogen	Monitor & Report *	Monthly *
TKN	Monitor & Report *	Monthly *
Nitrate + Nitrite as N	Monitor & Report *	Monthly *
Phosphorus	Monitor & Report *	Monthly *

* DRBC Requirement

** See DECISION Condition II.r.

e. Cost. There are no construction costs associated with this existing WWTP.

f. Relationship to the Comprehensive Plan. Approval of this docket will include the 0.5 mgd Sackett Lake WWTP in the Comprehensive Plan (See DECISION Condition I.).

B. FINDINGS

The purpose of this docket is to approve the existing 0.5 mgd Sackett Lake WWTP and its related discharge.

In 1992, the DRBC adopted SPW requirements, as part of the Commission's *Water Quality Regulations (WQR)*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 - the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National

Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Upper/Middle SPW)

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program. (Upper/Middle SPW)

Articles 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW except when discharging to a tributary above a designated reservoir. The service area of the docket holder is located within in the drainage area to the SPW area above the Mongaup Reservoir System, which is one of the designated exempt areas. Accordingly, a NPSPCP is not required.

Data submitted by the docket holder supports the grandfathered loads found in Table B-1 below. The existing WWTP has remained unchanged (treatment consistency and flow) since the time of SPW designation and therefore monitoring data over this docket cycle will be used to establish grandfathered loads for the other SPW parameters found in TABLE 1. – PART A of the Commission's *WQR*. These loads will be finalized as part of the next docket renewal.

Table B-1: Grandfathered Loads

	CBOD5 (lbs/day)	TSS (lbs/day)	Phosphorous (lbs/day)	Ammonia – N (lbs/day)	TKN (lbs/day)	Nitrite + Nitrate as N (lbs/day)
May-Sept*	4.82	8.21	***	***	***	***
Oct-April**	4.07	11.09	***	***	***	***

* Loads are associated with an average flow of 0.122 mgd

** Loads are associated with an average flow of 0.227 mgd

*** Loads to be established as part of the docket renewal

At the project site, Sackett Creek has an estimated seven-day low flow with a recurrence interval of ten years of 0.32 mgd (0.5 cfs). The ratio of this low flow to the design wastewater discharge from the 0.5 mgd WWTP is 0.64 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the City of Easton, approximately 91 miles away on the Delaware River.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the SPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-1985-075 CP-2 below, the project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NYSDEC in its SPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F. (Non-tidal, Non-trout Waters)

i. The docket holder is permitted to treat and discharge the categories of wastewaters defined in the “Area Served” section of this docket.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. The docket holder shall provide for emergency power, install remote alarm controls and prepare an emergency management plan (EMP) within 12 months of docket approval. The docket holder shall submit the EMP and certify in writing to the Commission that it has complied with this condition by July 11, 2013 (SPW projects only).

o. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

p. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

q. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

r. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

s. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED: July 11, 2012

EXPIRATION DATE: March 31, 2017